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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Maldives

1. The Committee considered the initial report of Maldives (CRC/C/8/Add.33 and 37) at its 468th to 470th meetings (see CRC/C/SR.468-470), held on 28 and 29 May 1998, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial reports and the written answers to the list of issues (CRC/C/Q/MAL.1). The Committee is encouraged by the frank, self-critical and constructive dialogue with the State party's delegation. The Committee also acknowledges the fact that the presence of a high-ranking delegation directly involved in the implementation of the Convention enabled it to assess the situation of the rights of the child in the State party.

B. Positive aspects

3. The Committee notes the enactment of the Law on the Protection of the Rights of the Child (Law 9/91), which constitutes a basis for the development of more comprehensive legislation in this area.

* At the 477th meeting, held on 5 June 1998.

4. The Committee welcomes the establishment of the National Council for the Protection of the Rights of the Child, in charge of monitoring the goals set by the National Plan of Action, as well as the Unit for the Rights of the Child (URC) within the Ministry of Women's Affairs and Social Welfare, in charge of the implementation of the Convention in the State party.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee takes note of the particular nature of the State party, its geographical configuration comprising 1,190 islands, out of which only approximately 200 are inhabited, the relatively small population composed of a number of different and isolated communities, as well as changes in the economic structures and rapid population growth.

D. Principal subjects of concern

6. The Committee is concerned that the reservations made to articles 14 and 21 of the Convention by the State party may affect the implementation of the rights guaranteed in these articles.

7. The Committee expresses its concern regarding the need to harmonize fully the Law on the Protection of the Rights of the Child (Law No. 9/91) and other domestic legislation with the principles and provisions of the Convention, taking into account its holistic nature.

8. Although the Committee is aware of existing coordinating mechanisms, it is concerned at the insufficiently systematic and comprehensive, and also disaggregated, quantitative and qualitative data-collection, for all areas covered by the Convention, especially the most vulnerable groups of children, such as children living in institutional care, girl children and children living on isolated islands.

9. The Committee is concerned at the lack of a specific mechanism to monitor progress in all areas covered by the Convention and in relation to all groups of children, especially the most vulnerable ones, in urban and rural areas.

10. With regard to article 4 of the Convention, the Committee is concerned that the financial and human resources available for the implementation of all the rights recognized by the Convention are insufficient to ensure adequate progress in improving the situation of children in the State party.

11. The Committee is concerned regarding the lack of participation of civil society in designing and implementing policies and programmes for children.

12. While recognizing the efforts of the State party to disseminate the Convention and to train professionals working for and with children on the provisions and principles of the Convention, as well as the translation of the Convention into the Maldivian language (Dhivehi), the Committee is of the view that these measures are still insufficient.

13. The Committee is concerned at the lack of clarity on the status of children aged between 16 and 18 years. In this regard, it is especially concerned by the low minimum ages for marriage and criminal responsibility.

14. The Committee is concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles as contained in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children.

15. With regard to the implementation of article 2, the Committee is concerned at the insufficient measures adopted to ensure the full enjoyment by girl children and children with disabilities of the rights recognized in the Convention. The Committee is also concerned at the situation of children born out of wedlock, especially with regard to their right to inheritance. Furthermore, the Committee expresses its concern at the existing disparities between children living on the capital island of Male and those living on remote islands.

16. While aware of the efforts undertaken by the State party for the prevention of ill-treatment of children, the Committee expresses its concern at the insufficient awareness of and lack of information on ill-treatment and abuse, including sexual abuse both within and outside the family, at the insufficient legal protection measures, at the inappropriate resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures for such children and their limited access to justice are also matters of concern.

17. The Committee is concerned at the high rate of divorce - considered among the highest in the world - in the State party and its possible negative impact on children. The Committee is also concerned at the lack of research and studies on the harmful consequences on children of divorces and early marriages as well as the insufficient measures to create public awareness on the detrimental effects of divorce.

18. The Committee expresses its concern at the insufficient alternative care measures for children deprived of a family environment.

19. Despite the State party's efforts in reducing infant mortality rate and increasing child immunization, the Committee is concerned at the prevalence of malnutrition (stunting and iron deficiency) and high maternal mortality rate, as well as the limited access to safe water and adequate sanitation. The Committee is also concerned regarding problems of adolescent health, in particular the high and increasing rate of early pregnancies, the lack of access by teenagers to reproductive-health education and services, and the insufficient preventive measures against HIV/AIDS. Furthermore, the Committee expresses its concern at the insufficient measures to promote breast-feeding of children, especially in health facilities.

20. With regard to the situation of children with disabilities, the Committee expresses its concern at the insufficient measures taken by the State party to ensure effective access of these children to health, education and social services, and to facilitate their full inclusion into society. The Committee is also concerned about the small number of well-trained professionals working with and for children with disabilities.

21. Although the Committee is aware of the State party's achievements in the area of primary school enrolment, it remains concerned at the fact that education is not compulsory by law, at the high drop-out rate between primary and secondary school, at the shortage of trained teachers, at the existing gender disparities in secondary school enrolments and at disparities in the access to education between the capital and the atolls.

22. While the Committee is aware of the plans to establish a drug rehabilitation unit, it expresses its concern at the insufficient measures undertaken to address issues of drug abuse which are increasingly affecting children in the State party.

23. The Committee expresses its concern at the insufficient preventive measures, including legal ones, to avoid the emergence of child labour and economic exploitation, including sexual exploitation. The Committee is also concerned at the lack of preventive measures, including legal ones, concerning child prostitution, child pornography, trafficking and sale of children.

24. While the Committee takes note that the administration of juvenile justice is regulated by the Penal Code and the Law on the Protection of the Rights of the Child, it is concerned about the full compatibility of such legislation with articles 37, 40 and 39 of the Convention as well as other relevant standards, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Although the Committee is aware that juvenile offenders aged up to 16 enjoy a special judicial procedure, it is particularly concerned regarding the situation of those between 16 and 18 years, who are considered as adults.

E. Suggestions and recommendations

25. In the light of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, which encouraged States to withdraw reservations to the Convention on the Rights of the Child, the Committee recommends the State party to consider reviewing its reservations to the Convention with a view to withdrawing them.

26. The Committee recommends the State party to engage in a comprehensive reform of its legislation, with a view to ensuring its full conformity with the principles and provisions of the Convention.

27. The Committee encourages the State party to accede to other major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and

Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which all bear an impact on the rights of the child.

28. The Committee recommends that the State party strengthen and extend the activities of the Coordinating Committee on Children. It also recommends that the State party develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including children belonging to vulnerable groups. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, UNICEF.

29. The Committee encourages the State party to consider the establishment of an independent mechanism to fully monitor the implementation of the Convention, especially for the most vulnerable groups of society.

30. With regard to the implementation of article 4 of the Convention, the Committee encourages the State party to consider the possibility of seeking international cooperation for additional resources to implement all the rights enshrined by the Convention.

31. In order to enhance the partnership with all components of the civil society in implementing the Convention, the Committee strongly encourages the State party to facilitate the establishment of non-governmental organizations dealing with children and to cooperate with them.

32. The Committee encourages the State party to pursue its efforts for the dissemination of the principles and provisions of the Convention and in providing training to all professional groups working with and for children. The Committee suggests that the State party seek assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF in this regard.

33. The Committee recommends that the State party raise the legal age of definition of the child, which is currently set at 16 years. In this regard, the legal minimum ages for marriage and criminal responsibility should be reviewed.

34. It is the Committee's view that further efforts should be undertaken to ensure that the general principles of the Convention (arts. 2, 3, 6 and 12) not only guide policy discussions and decision-making, but are also appropriately reflected in any judicial and administrative proceedings and in the development and implementation of all projects, programmes and services which have an impact on children.

35. The Committee recommends that the principle of non-discrimination, as provided under article 2 of the Convention, be fully implemented. A more proactive approach should be taken to eliminate discrimination against the girl child, children with disabilities, children living on remote islands, and children born out of wedlock. The Committee encourages the State party to enact and implement its National Policy on Women, which may bear a positive impact on the status of the girl child.

36. In the light of article 19 of the Convention, the Committee recommends that the State party take all appropriate measures to prevent and combat ill-treatment within the family and sexual abuse of children. It suggests, inter alia, that the authorities set up social programmes to prevent all types of child abuse as well as to rehabilitate the child victims. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence, and special investigators or community focal points.

37. The Committee recommends that the State party accelerate the enactment of its Family Law. The Committee also recommends that the State party undertake research and studies on the negative impact of family disruption on children as well as to continue with its awareness-raising campaign on this issue. Furthermore, the Committee recommends to the State party to improve counselling services for parents.

38. In view of article 20 (3) of the Convention, the Committee recommends that the State party give consideration to the establishment of alternative care measures, such as kafalah, for children deprived of a family environment.

39. The Committee recommends that the State party promote adolescent health policies and programmes by, inter alia, strengthening reproductive-health education and counselling services as well as improving preventive measures to combat HIV/AIDS. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of the phenomenon of adolescent health problems, including the negative impact of early marriages. The Committee also recommends that further efforts, both financial and human, such as the development of counselling services for both young people and their families, be undertaken for the prevention and care of adolescents' health problems and for the rehabilitation of victims.

40. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce their discrimination, establish special education programmes and centres, and encourage their inclusion in society. The Committee also recommends to the State party to undertake research on the causes of disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and the World Health Organization (WHO) can be sought to this effect.

41. With regard to article 28 of the Convention, the Committee recommends the State party to make primary education compulsory and available free to all, to improve the training of school teachers and the access to education of the most vulnerable groups of children, including girl children and children living on remote islands. The Committee recommends the State party to consider seeking international assistance from, inter alia, UNICEF and UNESCO.

42. The Committee recommends that preventive measures, including legal reform, be taken to fully implement the provisions of article 32 of the Convention and other related international instruments.

43. In light of article 34 of the Convention, the Committee recommends that preventive measures, including legal reform, be taken to prevent and combat the sexual exploitation of children, including through pornography, prostitution, trafficking and sale.

44. In the light of articles 24, 33 and 39 of the Convention, the Committee recommends to the State party to strengthen its efforts to prevent and combat drug and substance abuse among children, and to take all appropriate measures, including public information campaigns in and outside the schools. It also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and the World Health Organization.

45. With regard to the administration of juvenile justice, the Committee recommends that the State party accelerate the adoption of special procedures for children to fully integrate the provisions of the Convention, in particular articles 37, 40 and 39 as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty in its legislation, laws, policies, programmes and practices. In particular, the Committee recommends special procedures for children aged between 16 and 18, who are currently considered adults, to establish special courts for children and to review the provision of legal counselling for children in care centres. Furthermore, the Committee recommends to the State party to consider seeking international assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

46. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a wide distribution should generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and civil society.

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